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No. 1985—L. C., dated Bangalore, 27th November 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Co-operative Societies Regulation, VII of 1918, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

A Bill further to amend the Mysore Co-operative Societies Regulation, VII of 1918.

Preamble.

Whereas it is expedient further to amend the Mysore Co-operative Societies Regulation, VII of 1918; It is hereby enacted as follows :—

Short title.

1. This Regulation may be called the Mysore Co-operative Societies (Amendment) Regulation 193 .

2. The following shall be substituted for section 52 :—

(i) "Co-operative Land Mortgage Bank" or "Bank" means a Co-operative Society formed primarily for granting loans on the mortgage of agricultural land for the liquidation of prior debts of agriculturists or for the improvement or better cultivation of agricultural land.

(ii) "Central Co-operative Land Mortgage Bank" or "Central Bank" means a Co-operative Land Mortgage Bank which has among its objects the financing of Co-operative Land Mortgage Banks.

(iii) "Primary Land Mortgage Bank" or "Society" means a Co-operative Land Mortgage Bank affiliated to the Central Co-operative Land Mortgage Bank.

(iv) "Board" means in relation to a Bank, the Committee of the Central Land Mortgage Bank which has financed such Bank.

(v) "Trustee" means the person appointed by the Government to secure the fulfilment of the obligations of a Co-operative Land Mortgage Bank to the holders of debentures issued by such Bank.

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3. In section 53, the word "Central" shall be inserted between the words "The first bye-laws of a" and the words "Co-operative Land Mortgage Bank."

4. In sub-clauses (*k*), (*l*) and (*m*) of section 53 and in section 54, the words "Central Bank" shall be substituted for the word "Bank" wherever it occurs.

5. The following shall be inserted as sections 66 to 80 re-numbering the existing sections 66 and 67 as sections 81 and 82, respectively:— Addition of new sections 66 to 80.

"66 (1) (i) If any instalment payable under a mortgage executed in favour of a Bank or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, the Committee of the Bank may, in addition to any other remedy available to the Bank, apply to the Registrar or to any person appointed by the Government under section 4 of the Mysore Co-operative Societies Regulation, 1918, to assist the Registrar, for the recovery of such instalment or part by distraint and sale of the produce of the mortgaged land including the standing crops thereon. On receipt of such application, the Registrar or such person may, notwithstanding anything contained in any other law for the time being in force, take such action as is necessary to distrain and sell such produce: Distraint and sale of produce when to be made.

Provided that no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due.

(ii) The distress shall not be excessive; the value of the property distrained shall be, as nearly as possible, equal to the amount due and the expenses of the distraint and the costs of the sale.

(2) (i) Before or at the time when a distraint is made under sub-section (1) the distrainer shall serve or cause to be served upon the defaulter a written demand specifying the amount for which the distraint is made. Distraint how to be effected.

(ii) The demand shall be dated and signed by the distrainer and shall be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode or to his authorised agent, or when such service cannot be effected, by affixing a copy of the demand on some conspicuous part of his abode and of his land.

(3) (i) If, within fifteen days from the date of service of the demand referred to in sub-section (2), the defaulter does not pay the amount for which the distraint was effected, the distrainer may sell in auction the distrained property or such part thereof as may in his opinion be necessary to satisfy the demand together with the expenses of the distraint and the costs of the sale.

(ii) From the proceeds of such sale, a deduction shall be made at a rate not exceeding one anna in the rupee on account of the costs of the sale.

(iii) From the balance shall be deducted the expenses incurred by the distrainer on account of the distraint.

(iv) The remainder, if any, shall be applied to the discharge of the amount for which the distraint was made.

(v) The surplus, if any, shall be delivered to the person whose property has been sold and he shall be given a receipt for the amount discharged from the proceeds of the sale.

Power to Government to make rules.

(4) The Government may make rules—

(i) for the manner of effecting distraint;

(ii) for the custody, preservation and sale of the distrained property;

(iii) for the investigation of claims by persons other than the defaulter to any right or interest in the distrained property, and for the postponement of the sale pending such investigation;

(iv) for the immediate sale of perishable articles; and

(v) generally for the purpose of carrying out the provisions of this section."

Powers of Bank in case the mortgaged property is wholly or partially destroyed or the security is rendered insufficient.

67. Where any property mortgaged to a Bank is wholly or partially destroyed or the security is rendered insufficient and the mortgagor, having been given a reasonable opportunity by the Committee of the Mortgage Bank, of providing further security enough to render the whole security sufficient or of repaying such portion of the loan as may be determined by the Committee, has failed to provide such security or to repay such portion of the loan, the whole of the loan shall be deemed to fall due at once and the Committee shall be entitled to take action against the mortgagor, for the recovery thereof.

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Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds the amount for the time being due on the mortgage by such proportion as may be specified in the bye-laws of the Bank.

Power of Board or of Registrar to direct distraint and sale of produce and the sale of mortgaged property, etc.

68. (1) The Board or the Registrar may direct the Committee of a Bank to take action against a defaulter under section 66 or section 67 and if the Committee neglects or fails to do so, the Board or the Registrar may take such action.

(2) (*a*) Where such action is taken by the Board, the provisions of this Regulation and of any Rules or Regulations made thereunder shall apply in respect thereto as if all references to the Bank and to its Committee in the said provisions were references to the Central Bank and the Board, respectively.

(*b*) Where such action is taken by the Registrar the provisions of this Regulation and of any Rules or Regulations made thereunder shall apply in respect thereto as if all references to the Bank or to its Committee in the said provisions were references to the Registrar.

Mortgagor's power to lease.

69. Notwithstanding anything contained in the Transfer of Property Regulation, 1918, the duration of any lease executed by a mortgagor of property mortgaged to a Bank after the execution of the mortgage shall in no case exceed five years.

Mortgage not to be questioned on insolvency of mortgagor.

70. Notwithstanding anything contained in the Mysore Insolvency Regulation, 1925, a mortgage executed in favour of a Bank shall not be called in question on the ground that it was not executed in good faith for valuable consideration or on the ground that it was executed in order to give the Bank a preference over the other creditors of the mortgagor.

Priority of mortgage over claims arising under the Land Improvement Loans Regulation.

71. A mortgage executed in favour of a Bank after the commencement of this Regulation shall have priority over any claim of the Government arising from a loan under the Land Improvement Loans Regulation, 1890.

Right of Bank to pay prior debts of mortgagor.

72. Where a mortgage is executed in favour of a Bank for payment of prior debts of the mortgagor, the Bank may, notwithstanding the provisions of sections 83 and 84 of the Transfer of Property Regulation, 1918, by notice in writing, require any person to whom any such

debt is due to receive payment of such debt or part thereof from the Bank within such period as may be specified in the notice. If any such person fails to receive such notice or such payment, such debt or part thereof, as the case may be, shall cease to carry interest from the expiration of the period specified in the notice.

Provided that where there is a dispute as regards the amount of any such debt, the person to whom such debt is due shall be bound to receive payment of the amount offered by the Bank towards the debt, but such receipt shall not prejudice the right, if any, of such person, to recover the balance claimed by him.

Registration of documents executed on behalf of a Bank or of the Central Bank.

73. (1) Notwithstanding anything contained in the Mysore Registration Regulation, 1903, it shall not be necessary for any Director, Secretary or other Officer of a Bank or of the Central Bank to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that regulation.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such Director, Secretary or Officer for information respecting the same, and on being satisfied of the execution thereof, shall register the instrument.

Power of a Bank to receive moneys and grant valid discharges notwithstanding assignment of mortgage deeds to the Central Bank.

74. Notwithstanding the transfer of a mortgage by a Bank to the Central Bank—

(*a*) All moneys due under the mortgage shall, in the absence of any specific direction to the contrary issued by the Board or the Registrar and communicated to the mortgagor, be payable to the Bank and such payment shall be as valid as if the mortgage had not been so transferred; and

(*b*) the Bank shall, in the absence of any specific direction to the contrary issued by the Board or the Registrar and communicated to the Bank be entitled to sue on the mortgage or take any other proceeding for the recovery of the moneys due under the mortgage.

Special provision for mortgages executed by Managers of Joint Hindu Families.

75. (1) Where a mortgage executed in favour of a Bank either before or after the passing of this Regulation is called in question on the ground that it was executed by the Manager of a Joint Hindu Family for a purpose not binding on the members thereof whether major or minor,

the burden of proving the same shall, notwithstanding any law to the contrary, lie on the party raising it.

(2) For the purpose of this section, the following shall not be regarded as purposes not binding on a member of the Joint Hindu Family, namely—

(*a*) the improvement of agricultural land or of the methods of cultivation; and

(*b*) the purchase of land.

76. The provisions of section 66 shall apply also to the loans advanced by Banks from funds which have not been borrowed from the Central Bank.

Section 66 apply to loans advanced by Banks from funds not borrowed from the Central Bank.

77. Whenever under the special provisions relating to Co-operative Land Mortgage Banks, notice is required to be given to any person in writing, it shall be sufficient to send such notice by registered post.

Service of notices under these sections.

78. The provisions of sections 102 and 103 of the Transfer of Property Regulation, 1918, and of any rules made by the High Court under section 104 of that Regulation for carrying out the purposes of the said sections shall apply so far as may be, in respect of all notices to be served under the special provisions relating to Co-operative Land Mortgage Banks.

The Transfer of Property Regulation to apply to such notices.

79. At any sale of movable property held under the provisions of section 66 in order to recover any money due to a Bank, no Director, Secretary or other Officer of such Bank or of the Central Bank (except on behalf of the Bank of which he is a Director, or Secretary or an Officer, and no sale officer or other persons having any duty to perform in connection with such sale, shall either directly or indirectly, bid for or acquire or attempt to acquire any interest in such property.

Officers of Banks and of the Central Bank and sale officers not to bid at sales.

80. The Board may, if it thinks fit, delegate all or any of its powers under section 68 to an executive committee constituted by it and consisting of two or more of its members."

Delegation of certain powers by Board.

Statement of Objects and Reasons.

Special provisions relating to Co-operative Land Mortgage Banks were added by Regulation V of 1929 to the Mysore Co-operative Societies Regulation, 1918.

The working of the Banks during the last four years have disclosed that the existing provisions are inadequate for the successful working of the Mortgage Banks. The question of adequate powers for the speedy recovery of arrears from defaulters is of fundamental importance. The Mysore Co-operative Land Mortgage Bank, Bangalore, has urged the desirability of adding to the existing provisions in the Co-operative Societies Regulation certain provisions introduced in Madras by the Land Mortgage Banks Act, X of 1934, relating to the powers and the administration of the Banks.

The main changes proposed to be introduced are as follows:—

1. In case of default in payment of instalments due, the Registrar will be empowered on the application of the Mortgage Bank to distrain the produce of the mortgaged land including the standing crops thereon under appropriate safeguards and to bring them to sale.

2. Where the mortgaged property is wholly or partially destroyed or the security is rendered insufficient, the Bank will have the right to demand further security or to proceed to distrain and sell the produce of the mortgaged land.

3. Where a primary bank fails to take action against a defaulter, the Board of the Central Mortgage Bank or the Registrar may take the necessary action.

4. It is considered desirable to prevent the mortgagor from leasing the mortgaged property for a period longer than five years.

5. Provision is made for safeguarding the interests of Mortgage Banks by preventing mortgages executed in favour of the Bank from being called into question in insolvency proceedings and by securing priority to a mortgage debt in favour of a Mortgage Bank over any claim of the Government arising from a loan under the Land Improvement Loans Regulation granted after the execution of the mortgage.

6. The Mortgage Bank will be given the right to require a prior creditor of the mortgagor to receive payment, and in case of refusal interest will cease to run.

7. Registration of documents executed on behalf of a Mortgage Bank will be permitted without the appearance in person before the Sub-Registrar of any Officer of the Bank.

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8. The burden of proving that a mortgage executed by the Manager of a Joint Hindu Family is not binding on the members thereof shall lie on the party raising it.

9. Sections 52, 53 and 54 of the Mysore Co-operative Societies Regulation, as they now stand, make it obligatory on the part of the Government to sanction the bye-laws of primary Land Mortgage Societies and the amendments that may be passed from time to time. It is proposed to make this requirement of Government sanction applicable only to the Central Land Mortgage Banks.

No. 2026—L. C. Bangalore, dated 28th November 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Road Traffic and Taxes Bill is published for general information with the statement of Objects and Reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

The Mysore Road Traffic and Taxes Bill.

Preamble.

Whereas it is expedient to make further provision for the regulation of traffic on roads and to provide for the levy of certain taxes on motor vehicles;

And whereas it is expedient to amend the law relating to tolls;

It is hereby enacted as follows:—

PART I.—PRELIMINARY.

Short title.

1. (1) This Regulation may be called the Mysore Road Traffic and Taxes Regulation, 193

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

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DEFINITIONS.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "The Board" means the Traffic Board constituted under this Regulation.

(2) "Licensing Officer" means an officer appointed by the Government to exercise the powers and perfrom the functions of a Licensing Officer under this Regulation.

(3) Motor Vehicle has the same meaning as in the Mysore Motor Vehicles Regulation, 1928.

(4) "Private motor vehicle" means any motor vehicle which is not a public service motor vehicle.

(5) "Motor Bus" means a public service motor vehicle which is used for the carriage of persons and has seating accommodation for eight or more persons inclusive of the driver.

(6) "Public Service Motor Vehicle" means a motor vehicle which is let or plied for hire or reward.

(7) "Motor Cab" means a public service motor vehicle used for the carriage of persons, other than a motor bus;

(8) "Motor Cycle" means a motor vehicle without a carriage body running on not more than three wheels and weighing not more than eight hundred-weights unladen and includes an auto-wheel and a motor scooter.

(9) "Motor Lorry" means a motor vehicle which is ordinarily used for the carriage or haulage of goods or goods and passengers and includes a trailer when so used.

(10) "Motor Car" means a motor vehicle which is not a public service motor vehicle or a motor cycle or a motor lorry.

(11) "Prescribed" means prescribed by rules made under this Regulation.

(12) "Public Road" means any street, road, pathway, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes the road-way over any public bridge or causeway.

(13) "Registered owner" means the person in whose name a motor vehicle or trailer is registered under the Mysore Motor Vehicles Regulation, 1928.

(14) "Side Car" means a wheeled carrier attached to a motor vehicle which motor vehicle rests on not more than two wheels.

(15) "Tax" includes a tax, cess or fee imposed under this Regulation.

(16) "Trailer" means any vehicle other than a side car drawn or propelled or intended to be drawn or propelled by a motor vehicle.

(17) "Unladen weight" in relation to a motor vehicle or trailer, means the weight of the vehicle or trailer including all parts and equipment which are necessary for and ordinarily used with the vehicle or trailer when working. Where alternative parts or bodies are used, the heaviest part or body shall be taken into account for the purpose of calculating the unladen weight.

(18) "Year" means the financial year, "half-year" means the first six months or the second six months of such year and "quarter" means the first three months or the second three months of such half-year.

Repeal of certain enactments.

3. The enactments mentioned in schedule I are hereby repealed to the extent and in the manner specified in the fourth column thereof.

Provided that (*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the enactments hereby repealed, (*b*) any appointment, notification, notice, order, license, permission, rule, form, tax, fee, cess or rate, made, issued, given or imposed, toll-gates established, contracts entered into and suits and other proceedings instituted under enactments hereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, established, entered into and instituted under this Regulation.

PART II—ADMINISTRATIVE.

Constitution of the Traffic Board.

4. (1) For the purpose of carrying out the provisions of this Regulation, the Mysore Motor Vehicles Regulation, 1928, and the Mysore Highways Regulation, 1920, and the rules made under them, the Government may appoint, subject to the conditions hereinafter provided, persons, official and non-official, residing within Mysore, to constitute a Traffic Board.

The composition of the Traffic Board.

(2) The Board shall, subject to such exceptions and conditions as the Government may from time to time make and impose, include representatives of the owners of private motor vehicles, the users and proprietors of public service

motor vehicles and persons having interests in agriculture, trade or commerce in Mysore.

(3) The manner and mode of selecting such representatives shall be in accordance with rules prescribed in this behalf.

(4) The Government may appoint one of the members of the Board as its Chairman and an officer in the service of the Government who may or may not be a member of the Board as its Secretary.

(5) The Chairman and the members of the Board shall hold office for the prescribed period, provided that the Government may by order at any time remove any member and on such removal his seat in the Board shall become vacant.

(6) Casual or other vacancies in the Board shall be filled up by the Government in accordance with rules prescribed in this behalf.

The duties and powers of the Board.

5. (1) It shall be the general duty of the Board so to exercise its powers as to secure the provision of an adequate and properly co-ordinated system of public service motor transport and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as it considers necessary for extending and improving the facilities for such transport in such manner as to provide most efficiently and conveniently for the needs thereof.

(2) Subject to such rules as may be prescribed, the Board shall control the number and distribution of public service motor vehicles and for this purpose shall in particular perform the following duties, that is to say:

(*a*) From time to time, it shall fix the routes on which public service motor vehicles may be permitted to ply;

(*b*) It shall from time to time determine the number of licenses and permits to be granted for each route and for this purpose shall be guided by the considerations set forth below;

(*c*) It shall generally supervise the regulation and control of public service motor vehicles.

(3) When determining the number of licenses and permits to be allowed for each of the routes under sub-section (2) (b), the Board shall be guided by the following considerations, that is to say:

(*a*) the suitability and capacity of the road or roads or portions thereof covered by every proposed route for the carriage of public service motor vehicles;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services); and

(*e*) the co-ordination of all forms of transport including transport by rail.

(4) The Government may by notification invest the Board either absolutely or subject to conditions with such powers as may be necessary for the purposes mentioned in sub-section (1) of section 4 and prescribe the mode in which the Board shall conduct its business.

(5) (*a*) The Board may hold an inquiry or direct inquiry to be made in regard to any accident arising out of the presence of a motor vehicle on a public road whereby damage or injury has been caused to any person, vehicle or animal, and the Government may invest, by rules, the Board or such person as may be authorised by the Board in this behalf with such powers as may be necessary for the holding of such inquiry and prescribe the procedure to be followed at such inquiry.

(*b*) Nothing in this sub-section shall be construed as in any way affecting, amending or modifying the provision of any other enactment relating to the holding of inquiries into such accidents by the Police or any other authority.

(*c*) Any report made by or to the Board as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

PART III—TAXATION.

Imposition of taxes on motor vehicles.

6. The Government may, by notification in the Official Gazette, from time to time direct the levy of any

or all of the following taxes on motor vehicles kept for use in Mysore at rates not exceeding those prescribed in schedule IV (A) to (D) and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say—

(*a*) A vehicle tax on motor cycles and motor cars.

(*b*) A road tax on motor lorries.

(*c*) A service tax on public service motor vehicles used for carrying passengers.

(*d*) A mileage cess on motor buses.

Payment of tax and issue of license.

7. (1) Upon the issue of a notification under section 6, no motor vehicle shall be used on any public road in Mysore unless the registered owner or the person having possession or control thereof has obtained a license under sub-section (6) in respect of the vehicle.

(2) The vehicle tax imposed under section 6 shall be payable for the year and in advance by the person who keeps a motor vehicle for use.

Provided that the Government may by notification allow half-yearly period payment of the tax at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance by the person who keeps a motor vehicle for use. Such person may pay in advance the taxes due for two or more consecutive quarters in the same year.

(4) Where a tax other than a vehicle tax for any motor vehicle has been paid for any quarter and the vehicle has not been used during the whole of that quarter or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may from time to time be notified by the Government shall be payable subject to such conditions as may be specified in such notification.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on account of any taxable motor vehicle, the tax due in respect of which for the same period has already been paid by some other person.

(6) When any person pays the amount of tax due in respect of any taxable motor vehicle in Mysore or proves to the satisfaction of the licensing officer that no tax is

payable in respect of any motor vehicle, the licensing officer shall—

(i) grant to such person a license, in such form as may be notified by the Government, to use the vehicle on public roads in Mysore for the period or periods concerned; and

(ii) record that the tax has been paid for a specified period or periods or that no tax is payable in respect of the vehicle as the case may be in the certificate of registration granted or renewed in respect of the vehicle under the Rules made by the Government under the Mysore Motor Vehicles Regulation, 1928, or in the case of vehicles not registered under the said rules in a certificate in such form as may be notified by the Government.

Provided that the Government may exempt from the provision of this sub-section any person who has been exempted from the payment of tax in respect of any motor vehicle and prescribe the manner in which such exemption from payment of tax is to be indicated.

Carriage of license on vehicle.

8. (1) The license granted in respect of a motor vehicle under sub-section (6) of section 7 shall be exhibited upon the vechicle in such manner as may be notified by the Government and if such a license is not so carried upon such vehicle the registered owner or the person having possession or control thereof shall be punishable with fine which may extend to fifty rupees.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary when required to do so by any officer under the control of the Board empowered in this behalf by the Government or any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is empowered in this behalf by the Inspector-General of Police or the District Magistrate for the purpose of satisfying himself that a license has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a Police Officer or any other officer under sub-section (2) shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

9. If a tax due in respect of any motor vehicle has not been paid, the registered owner or the person having possession or control thereof shall be punishable with fine

which may extend to fifty rupees; and the amount of the tax due by him in respect of such vehicle shall also be recovered as if it were a fine.

Recovery of taxes as an arrear of land revenue.

10. Any tax under this Regulation may also be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which the tax is due or its accessories may be distrained or sold in pursuance of this section, whether such vehicle or accessories be or be not in the possession or control of the person liable to pay the tax.

Exemption.

11. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to a tax payable—

(i) by any person or class of persons, or

(ii) in respect of any motor vehicle or class of motor vehicles.

PART IV.—TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

12. Subject to the rules prescribed by the Government in this behalf, the Government may cause such rates of tolls not exceeding those mentioned in schedule II hereto annexed, to be levied on any public road or bridge in Mysore, which has been, or shall hereafter be constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Regulation, 1926; and may place the collection of such tolls under the management of such persons as may appear to them proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would belong to them if employed in the collection of the land revenue.

Establishment of tolls-bars.

13. The Government may, from time to time declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable; and may authorise the erection or removal of any toll-bar for the purpose of carrying out the provisions of this section.

Powers for recovery of toll.

14. (1) In the case of non-payment of any such toll on demand, the persons appointed or duly authorised to collect the same may seize any of the carriages or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(2) If any toll remains undischarged for twenty-four hours after the property has been seized as stated in sub-section (1), the said property shall after twenty-four hours notice exclusive of Sunday or any public holiday, be sold by public auction for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, by order of the officer authorised to superintendent the collection of the said toll, who may cause any balance that may remain to be returned, on demand, to the owner of the property.

Release of seized property on tender of dues.

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forth-with release the property seized.

(3) Any amount due on account of toll may also be recovered in the same manner as an arrear of land revenue.

Penalty.

15. Every person, other than the persons appointed or duly authorised to collect tolls under this Regulation, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Regulation seize or sell any property knowing such seizure or sale to be unlawful or in any manner unlawfully extort money or any valuable thing from any person under colour of this Regulation shall be liable on conviction before a Magistrate to imprisonment which may extend to six months or fine which may extend to two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved.

16. Any person who fraudulently or forcibly passes any toll-bar without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll in the discharge of his duties, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding three months or to a fine not exceeding fifty rupees.

Composition of tolls.

17. (1) Subject to such conditions as may be prescribed by the Government in this behalf any person may, in respect of a motor cycle, motor car or motor cab belonging to him pay in lieu of all tolls other than those

levied at toll-gates established on a road newly constructed for the recovery of the amount expended upon such road, a quarterly composition fee at rates not exceeding the maxima specified in schedule III. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1) shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be notified by the Government.

18. The Government may by notification in the Official Gazette make an exemption, reduction in the rate or other modification in regard to toll payable,

(*i*) by any person or class of persons, and

(*ii*) in respect of any vehicle or animal or classes of vehicles or animals.

PART V.

LORRIES.

Permits for Lorries.

19. (1) No person shall use a motor lorry on a public road, except under a permit granted by the prescribed authority.

(2) When a motor lorry is being used on a public road the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan and in any other case the person whose agent or servant the driver is, shall, for the purpose of this part of this Regulation, be deemed to be the person by whom the vehicle is being used.

(3) The Government may, by rules, prescribe the conditions subject to which a permit may be granted under this section. In particular, but without prejudice to the generality of the foregoing powers, such conditions may include all or any of the following, that is to say,

(*a*) A condition that the lorry shall be used only in a specified area or between specified places.

(*b*) A condition that certain classes or descriptions of goods only shall be so carried.

(c) A condition that goods shall be carried only for specified persons.

(d) A condition that the lorry shall not carry more than the specified number of persons.

(e) When the vehicle is a lorry intended to be let or plied for hire or reward, such other conditions as the prescribed authority may think fit to impose in the public interest and with a view to prevent uneconomic competition.

(4) A permit under this section may be revoked or suspended by the prescribed authority by which the permit was granted on the ground that any of the conditions of the permit have not been complied with.

Provided that the said authority shall not revoke or suspend a permit unless he is satisfied after giving the holder of the permit an opportunity of being heard that the permit should be revoked or suspended.

20. A motor lorry in respect of which a permit is granted under section 18 shall be subject to such periodical inspection, as the Government may prescribe.

PART VI.

GENERAL.

Savings as to vehicles used for agricultural purposes.

21. No tax under this Regulation other than vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Protection in respect of acts done in good faith.

22. No prosecution suit or other legal proceeding shall lie againt any person for anything in good faith done or intended to be done under this Regulation.

Power of Municipalities to levy taxes on motor vehicles.

23. Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Regulations, 1933, no Municipal Council shall levy (1) a tax on motor vehicles or (2) a toll on such motor vehicles as are exempted from payment of municipal tolls under this Regulation or the rules made thereunder.

Payment to District Boards and Municipalities for loss of tolls and vehicle tax.

24.(1) From the proceeds of tolls and taxes collected under this Regulation, the Government shall pay annually to each District Board which at the commcement of this

Regulation was levying tolls and to each Municipal Council which at the commencement of this Regulation was levying a vehicle tax on motor vehicles, a sum determined by the Government as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three years ending 30th day of June 193 , after deducting therefrom the expenses of collection which shall be determined by the Government in such manner as it may deem fit.

(2) In determining the amount payable to a local authority under sub-section (1) the Government shall take into account—

(*a*) the arrears of tolls or vehicle tax on motor vehicles left uncollected, which could have been collected;

(*b*) the amounts which the local authority should have paid to any other local authority on account of collections made on behalf of the latter and remaining to be adjusted; and

(*c*) the vehicle tax payable on vehicles owned by the local authority or by its employees in respect of which exemptions were granted by the local authority.

(3) At the end of three years from the commencement of this Regulation, the Government may, after consulting the District Board or Municipal Council concerned, determine in such manner as may be then prescribed the amount payable thereafter to such District Board or Municipal Council.

(4) The amount recovered in respect of composition of tolls under section 17, the proceeds of the service tax under sub-section (c) of section 6 on all public service motor vehicles plying or used solely within a Municipality, and the proceeds of the mileage cess under sub-section (d) of section 6 shall be apportioned between the respective local authorities and the Government in such manner as may be determined by rules or orders made in this behalf.

Explanation.—A local authority for the purposes of this sub-section shall mean a District Board, a City Municipal Council or such other Town Municipal Council or Sanitary Board as the Government may notify in this behalf.

Powers of Government to make rules.

25. (1) The Government may, (subject to the condition of previous publication) except in respect of rules

relating to matters under Part IV of this Regulation make rules for more effectively carrying out all or any of the purposes of this Regulation.

(2) All rules made under this section shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Regulation.

Penalties.

26. Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder with fine which may extend to two hundred rupees.

Power of Government to amend, add to or cancel schedules.

27. The Government may, subject to the approval of the Legislative Council, by a resolution recorded in this behalf alter, add to or cancel any or all of the schedules II to IV of this Regulation and such alteration, addition or cancellation when published in the Official Gazette, shall have the force of law and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this section.

28. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Regulaion or the rules made thereunder, except offences punishable under Part IV of this Regulation or under rules made in respect of matters under the said part.

SCHEDULE I.

(Section 3.)

Year	No.	Title	Extent of repeal
1876	274	Chief Commissioner's Notification No. 274 of 1876.	The whole
1926	III	The Mysore District Boards Regulation.	Section 66 and Schedule III.

SCHEDULE II.

(Section 12.)

Rates of Tolls.

	A. MOTOR VEHICLES.	Rs.	a.	p.
1	On every motor cycle with or without side car ...	0	4	0
2	On every four wheeled motor car or motor cab constructed or adapted to carry not more than seven persons including the driver	1	0	0
3	On every four wheeled motor car constructed or adapted to earry eight persons or more including the driver...	2	0	0
4	On every motor bus	2	0	0
5	Do motor lorry	3	0	0
6	Do heavy motor vehicle, *i.e.*, a Motor Vehicle exceeding two tons in weight unladen ...	3	0	0
7	Do vehicle propelled by steam or motor power other than those specified above ...	3	0	0
8	Do vehicle of the categories mentioned in items 5 to 7 above, if laden with timber, fuel, bamboos or stone and entering the State at a frontier toll-gate	6	0	0

	B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.			
1	On every four wheeled carriage	0	8	0
2	Do two wheeled carriage on springs, other than a jutka or ekka	0	4	0
3	Do ekka or jutka laden	0	2	0
4	Do do unladen	0	1	0
5	Do other vehicle on springs including tricycle and bicycle	0	2	0
6	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
7	Do cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
8	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
9	Do cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
10	Do cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	6	0

		Rs.	a.	p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden	0	3	0
12	Do cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
13	Do cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	2	0
14	Do cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
15	Do cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
16	Do cart or other vehicle, if laden with timber, fuel, bamboos or stone and entering the State at a Frontier Toll-gate	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden ...	0	1	0
2	Do do not laden ...	0	0	6
3	Do elephant	1	0	0
4	Do camel, if laden	0	4	0
5	Do do not laden	0	2	0
6	Do horse, if laden or ridden	0	1	6
7	Do horse, if unladen or not ridden	0	0	9
8	Do thattu or mule, if laden or ridden ...	0	0	9
9	Do do if unladen or led ...	0	0	6
10	Do ass, if laden or ridden	0	0	6
11	Do ass, if unladen or led	0	0	3
12	Do sheep, goat or pig	0	0	1
13	Do planquin, dooly, palna or tonjon with two bearers or rickshaw	0	2	0
14	Do planquin, dooly, palna or tonjon with more than two bearers	0	4	0

Provisos.—

1. Double the rate of tolls prescribed above may be levied in case of carts referred to in items 6, 8, 10 and 12 of B when such carts are loaded with timber or stones.

2. The Government may prescribe a lower rate of tolls on carts with tyres over 2½" wide than on carts with narrower tyres.

SCHEDULE III.

(Section 17.)

Rate of fee for composition of tolls on Motor Vehicles.

Classes of vehicles	Fees per quarter	
	For vehicles fitted with pneumatic tyres	For other vehicles
1. Motor cycles.	Rs.	Rs.
(*a*) Motor cycles with two wheels ...	7 8 0	10 0 0
(*b*) Ditto, if used for drawing a trailer or side car	10 0 0	12 8 0
(*c*) Motor cycles with three wheels ...	10 0 0	12 8 0
2. Motor cars and motor cabs.		
(*a*) Weighing not more than 15 cwts., unladen	17 8 0	25 0 0
(*b*) Weighing more than 15 cwts. but not more than 30 cwts, unladen ...	25 0 0	37 8 0
(*c*) Weighing more than 30 cwts. but not more than 45 cwts., unladen ...	32 8 0	50 0 0
(*d*) Weighing more than 45 cwts. but not more than 60 cwts., unladen ...	40 0 0	60 0 0
(*e*) Weighing more than 60 cwts., unladen	50 0 0	75 0 0
(*f*) Additional fee payable in respect of such vehicles when used for drawing trailers—		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	10 0 0	15 0 0
(ii) For each trailer exceeding one ton in weight, unladen... ...	20 0 0	30 0 0
Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.		

SCHEDULE IV A.

The Vehicle Tax.—(Section 6 A).

	Class of Vehicles	*Annual Tax* Rs.
1	Motor Cycles	15
2	Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
	(*a*) Weighing not more than 14 cwts., unladen ...	30
	(*b*) Weighing more than 14 cwts., unladen	40
3	Motor cars constructed or adapted to carry eight persons or more including the driver	60
4	For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen	100

Privileges and exemptions which a vehicle is entitled to and the conditions and limitations therefor.

1. The vehicle shall be exempt from Municipal tolls either of the Municipal Council within the limits of which the owner resides or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A vehicles kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, the vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. The vehicle shall continue to have all the privileges and exemptions to which it was entitled on payment of the Municipal Vehicle Tax, both in the municipality in which such tax is payable and in other municipalities under any reciprocal arrangements that may have been in force at the commencement of this Regulation.

3. The exemption from tolls specified above shall apply only at the ordinary toll-gates and shall not apply to *ad-hoc* toll-gates established on a newly constructed public road for the recovery of the amount expended upon such public road and the bridge or causeway, if any, over which it may lie.

SCHEDULE IV B.

Road Tax.—(Section 6 B.)

Class of Vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels	Other Vehicles
	Rs. a. p.	
1. Motor lorries not let or plied for hire or reward :		
(a) Not exceeding 15 cwt. in weight, unladen	30 0 0	45
(b) Exceeding 15 cwt. but not exceeding 25 cwt. in weight, unladen...	50 0 0	70
(c) Exceeding 25 cwt. but not exceeding 30 cwt. in weight, unladen. .	70 0 0	90
(d) Exceeding 30 cwt. but not exceeding 35 cwt. in weight, unladen...	90 0 0	115
(e) Exceeding 35 cwt. but not exceeding 50 cwt. in weight, unladen...	112 8 0	150
(f) Exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen...	150 0 0	175
(g) Exceeding 70 cwt. but not exceeding 100 cwt. in weight, unladen.	175 0 0	225
(h) Additional tax payable in respect of such vehicles when used for drawing trailers :		
(i) For each trailer not exceeding 1 ton in weight, unladen ...	60 0 0	85
(ii) For each trailer exceeding 1 ton in weight, unladen... ...	125 0 0	150
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.		
2. Motor lorries let or plied for hire or reward.	One and half times the rate prescribed for each respective class of vehicle under 1 above.	

Provisos.—

1. (a) Lorries other than those let or plied for hire shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit for working in accordance with sub-section 3 of section 19.

(*b*) While working outside the said area on special permits they are liable to both Government and Municipal tolls.

(*c*) They shall further be entitled to the privileges and exemptions specified in schedule IV A.

2. Lorries let or plied for hire or reward shall be exempt from tolls other than those levied by a Municipal Council in the area in which they have the permit provided that, on roads which the Board may declare as competing with the Railways in respect of traffic they may be subject to the payment of tolls.

SCHEDULE IV C.

Service Tax.—(Section 6 C).

Class of Vehicles	Quarterly tax					
	Vehicles fitted with pneumatic tyres on all wheels			Other Vehicles		
	Rs	a.	p.	Rs.	a.	p.
1. Motor cabs and motor buses other than (2) below:—						
(*a*) Vehicles licensed under the Mysore Motor Vehicles Rules, to carry in all not more than four passengers.	30	0	0	45	0	0
(*b*) Vehicles licensed under the Mysore Motor Vehicles Rules to carry more than four passengers for every passenger which the vehicle is so licensed to carry	7	8	0	11	4	0
2. Motor cabs and motor buses used for hire for a strictly limited purpose.	25	0	0	37	8	0

Provisos.—

1. In the case of motor cabs one seat for the driver and in the case of motor buses two seats, one for the driver and one for the conductor, shall not be taken to account for purposes of calculating this tax.

2. A motor vehicle is said to be let for hire for a limited purpose when it satisfies the following conditions:—

(*a*) The vehicle is owned by a public institution like a hotel or school.

(*b*) It is used exclusively for the business of such institution that is, for the conveyance of its members, clients or, workmen.

(c) It is used within the limits of the Municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs and motor buses paying the service tax shall further be entitled to the privileges and exemptions specified in schedule IV (a).

SCHEDULE IV D.

Mileage Cess.

Class of Vehicles	*Rate of Tax.*
Motor buses—	
(a) when plying on ordinary permits as part of a regular service	Six pies per mile.
(b) when plying on special permits in other cases	Nine pies per mile.

Proviso.—

Buses paying the mileage cess are exempt from all tolls levied either by the Government or a Municipal Council, except those levied at toll-gates established on a newly constructed public road for the recovery of the amount expended on such public road and the bridge or causeway, if any, over which it may lie.

Statement of Objects and Reasons.

In October 1932, the Government appointed a Committee with Sir Charles Todhunter as President, to enquire into the matter of the regulation and taxation of motor transport. The Committee submitted their report and made detailed recommendations. The Government considered their recommendations and propose to introduce a Bill to give effect to such of the recommendations of the Committee as have been accepted by Government in Government Order No. Camp, 6-55—Legis. 38-33, dated 18th June 1934 and cannot be brought into force under the existing Regulations and Rules. The main provisions of the Bill are detailed below :

PART I.

PRELIMINARY.

Clause 2.—This clause defines the several expressions used in the Regulation.

Clause 3.—The Chief Commissioner's Notification No. 274, dated 4th November 1870 regarding levy of toll is repealed and separate provision made in Part IV for the levy of tolls on roads and bridges. The provision in the

Mysore District Boards Regulation, 1926, for a similar levy by these bodies is also repealed.

PART II.

CLAUSES 4 AND 5.

These clauses empower the Government to create a central co-ordinating and licensing authority, called the Traffic Board, consisting of official and non-official members, the latter including a representative of each of the motor bus-owners, other owners of motor conveyances, agricultural interests and commercial interests. The Chairman of the Board will be appointed by the Government.

The Board will be the central authority under the Government to administer generally the Motor Vehicles Regulation, the Road Traffic and Taxes Regulation, the Highways Regulation and the rules under them. It will be the function of the Board to secure the provision of a properly co-ordinated system of Public Service Motor Transport to control the number and distribution of public service motor vehicles and to fix the routes on which they should ply. The Board will also have the power to hold enquiries in cases of accidents of a serious nature connected with motor vehicles.

PART III.

TAXATION.

The taxes leviable and the maximum rates at which they are leviable are provided in this part. The manner of the levy and the procedure for the payment of the tax and obtaining of licenses and the display of the same on vehicles are prescribed. Penalties for failure to pay tax or to exhibit license are also provided.

Provision is made for recovery of tax as an arrear of land revenue. Power is vested in the Government to make an exemption, reduction in the rate of tax or other modification in regard to a tax payable in certain cases.

PART IV.

TOLLS.

This part is intended to give a statutory basis to a system of levy of toll fees on vehicles which has been in

existence since the year 1876. Government propose to take over the power to levy tolls from District Boards also and section 66 of the District Boards Regulation, 1926, which now empowers the District Boards to levy tolls will be repealed, the intention being to have a uniform system of toll levy, exemptions, etc., on all roads whether provincial or District Board.

Government is empowered to cause the levy of tolls not exceeding those mentioned in the schedule on any road, or bridge in Mysore constructed or repaired by the Government or any District Board constituted under the Mysore District Boards Regulation, to establish toll bars and to appoint collectors. Provision is made to have suitable machinery for recovery of toll by attachment and destraint of property with necessary safe guards. There is also provision included for the composition of tolls, exemptions from tolls, or reduction in rate of tolls in certain cases.

PART V.

LORRIES.

Certain special provisions have been considered necessary in regard to motor lorries. All lorries private as well as public will be required to take permits for use of public roads. Power is given to prescribe conditions while granting permits as regards area for plying, the goods or persons that could be carried, etc.

PART VI.

GENERAL.

Motor vehicles used for agricultural purposes are exempted from taxation. The power of Municipalities to levy vehicle tax on motor vehicles and tolls on such motor vehicles, as are exempted from municipal tolls by this Regulation, is taken away. Provision is made to compensate District Boards and Municipalities for loss of revenue from tolls and vehicle tax and such of the local bodies as are getting a share of the road mileage cess will continue to get it.

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